

BOARD OF COAL MINING EXAMINERS

SUMMARY OF MEETING

NOVEMBER 6, 2012

The following is a summary of the November 6, 2012 Meeting:

- I. Meeting called to order at 9:05 AM by Randy Moore, Chairman. Members present were Randy Moore, Arvil McConnell, Jr., Gerald Kendrick and Ricky O'Quinn. Member Joseph Buchanan was absent. Also present were Mary Gibson, Regulatory Boards Administrator, Sharon Pigeon, Sr. Assistant Attorney General and Bradley Lambert, Deputy Director, Department of Mines, Minerals and Energy (DMME).**
- II. Opening statement delivered by Randy Moore, Chairman.**
- III. Motion made and seconded to accept November 6, 2012, meeting agenda and approve October 2, 2012, meeting summary. All members were in favor to approve.**
- IV. Review of Virginia Substance Abuse Cases (Closed Session)**

Of the cases that resulted in hearings, evidence was taken by the Board in closed session, pursuant to Virginia Code §§ 2.2-3711(A)(4) and 45.1-11.35(E). In the closed session, the Board worked out agreements, allowing individuals to return to work conditionally, and took other disciplinary actions including revocation of all certifications held by miners.

V. Open Agenda

Mike Skiffington, the DMME Program Support Manager, joined the Board through conference call. Mr. Skiffington serves as the regulatory coordinator for the DMME. Two proposed amendments to the Coal Mine Safety and Health Regulations to 4VAC25-210.C. and 4VAC20-220.A. have been submitted under the "fast track" submittal process. These changes will increase first aid training opportunities for coal miners with a change of CPR recertification every two years with documented annual continuing education training and acceptance of other training programs approved by the Virginia Office of Emergency Medical Services and approved by the Chief. The Board approved the changes to the two regulations unanimously.

A requirement of the merged Division of Mined Land Reclamation (DMLR) and Division of Mines (DM) surface blaster certification program is approval by the Office of Surface Mining (OSM) of a training module presentation on all aspects of surface mine blasting. A recent review by OSM of this program

revealed a concern that the program did not have the initial formal training. In response for compliance, DM recommended use of OSM's established blasting training module. To be eligible to take the initial surface blaster examination, applicants now will be required to complete the training module which will be located on the DMME website and submit a corresponding affidavit of completion of the training. The Board voted unanimously to implement the use of the OSM training module in order to satisfy their requirements. No increased burden is anticipated for mine operators or applicants. A memo to operators will be issued regarding this change, and certification requirements updated to reflect the changes.

The Board discussed use of the remaining educational portion (\$25,000) of grant funds obtained by the Office of the Attorney General (OAG) as part of the settlement involving Purdue Pharma, L.P. related to marketing OxyContin. The Division of Mines certification section workload is great encompassing both issuance of certifications and the substance abuse program, and both functions continue to increase in numbers and responsibility. Recently, a trained temporary worker's contract was not renewed due to budget restrictions. In order to deal with critical understaffing problem, DMME proposes to make a request to the OAG to modify the "education" portion of its funds from the grant to fund a temporary clerical position for a period of three months at a cost of approximately \$9,000. The Board voted unanimously to send a letter to the OAG with the request. Sharon Pigeon suggested that the letter be signed by the Chairman of the Board of Coal Mining Examiners.

VI. Next Meeting

Next meeting will be December 4, 2012.

VII. Adjournment

Meeting adjourned at 1:55 PM.